



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 2204/2022

Nitin Kumar S/o Sh. Karan Pal Singh, Aged About 41 Years, R/o
D-236, A-Z Green Estate, Modipuram, Meerut, Up-250110.

----Petitioner

Versus

1. Divya Singh W/o Nitin Kumar, A-58, Rawla, Shastri
Nagar, Jodhpur (Raj.).

2. Shatakashi Singh D/o Sh. Nitin Kumar, Aged About 9
Years, Minor Through Her Mother Resp. No. 1 Divya Singh

----Respondents

For Petitioner(s) : Mr. Narendra Thanvi
Mr. Vishal Singhal

For Respondent(s) : Ms. Divya Singh, respondent No.1
in person.

JUSTICE DINESH MEHTA

Order

20/05/2022

1. By way of present petition, the petitioner has challenged the order dated 28.03.2022, passed by the Family Court, No.3, Jodhpur (hereinafter referred to as 'the Family Court'), whereby petitioner's application for taking copies of the income-tax returns etc. on record has been rejected.

2. Mr. Thanvi, learned counsel for the petitioner, argues that since the respondent No.1 did not file correct affidavit and withheld particulars of her, the petitioner had furnished copies of the income-tax returns and other documents (received under the Right to Information Act), which ought to have been taken on record by the Family Court. He submits that in absence of correct



particulars of income, amount of final maintenance cannot be determined.

3. The matter requires consideration.
4. Issue notice. Issue notice of stay application also.
5. Ms. Divya Singh, respondent No.1 accepts notice.
6. A copy of the petition be supplied to respondent No.1.
7. List this case for admission in the first week of August, 2022.
8. Meanwhile, further proceedings before the Family Court shall remain stayed.
9. It is, however, made clear that the present order staying the proceedings before the Family Court will not come in the way of respondents if they initiate proceedings for recovery of the arrears of interim maintenance that has been awarded by the Family Court vide order dated 29.11.2019. If any such application is filed, the Family Court shall consider the same in accordance with law, including the judgment of Hon'ble the Supreme Court dated 24.07.2019 in the case of Kaushalya Vs. Mukesh Jain.

(DINESH MEHTA),J

11-skm/-

सत्यमेव जयते